



Interview Summary: Mario Di Tommaso, Government of Ontario

Background

Mario Di Tommaso is the Deputy Solicitor General of Community Safety at the Ministry of the Solicitor General (**SOLGEN**) of Ontario. Mr. Di Tommaso has responsibility for the Community Safety portfolio at SOLGEN, which includes overseeing various parts of the Ministry that deliver services and make policy relating to the safety and security of Ontarians. This portfolio includes oversight of the Ontario Provincial Police (**OPP**). The OPP Commissioner, Thomas Carrique, reports to him and the SOLGEN has decision-making authority, subject to Treasury Board approval, on changes to the budget for the OPP, including obtaining additional funding for the purpose of expanding human resources, procuring services or purchasing equipment. Commissioner Carrique retains exclusive jurisdiction over all day-to-day operations of the OPP, including the deployment of OPP officers.

During the events of January and February 2022, Mr. Di Tommaso's role with respect to the freedom convoy was to receive information from a variety of sources, brief his superiors (notably then-Solicitor General Sylvia Jones, now "**Minister Jones**"), and put forward possible solutions to the blockade in Windsor and the occupation in Ottawa that could be achieved or facilitated by Ontario. He assisted by identifying resources the province of Ontario could put forward and impressing the urgency of the situation in his engagements. During this time, Mr. Di Tommaso took detailed notes.¹

Mr. Di Tommaso was interviewed by Gabriel Poliquin and Jean-Simon Schoenholz on September 28, 2022. Questions about this summary should be directed to Jean-Simon Schoenholz.

Engagement with Federal Officials, the City of Ottawa, and Law Enforcement

Mr. Di Tommaso was briefed by Commissioner Carrique daily. Minister Jones did not participate in these briefings, but Mr. Di Tommaso briefed her on the information he received. These briefings began after the first weekend of protests in Ottawa. Mr. Di Tommaso explained that the province's expectation was that the Ottawa Police Service (**OPS**) would be in a position to address the special event. It is only when

¹ ONT00005153 (February 3, 2022); ONT00003843 (February 7, 2022); ONT00005154 (February 8, 2022); ONT00003844 (February 9, 2022); ONT00005155 (February 10, 2022); ONT00005156 (February 11, 2022); ONT00005157 and ONT00003846 (February 13, 2022); ONT00003847 (February 14, 2022); ONT00003848 (February 23, 2022).



protesters did not leave after the first weekend that Mr. Di Tommaso began receiving regular updates from Commissioner Carrique.

Mr. Di Tommaso was not in regular contact with former Chief Sloly, although he was on several calls where Chief Sloly was a participant, including calls on February 6, 7 and 8, 2022. Mr. Di Tommaso was not in regular direct contact with the Windsor Police Service (**WPS**), although he may have had one call with former-WPS Chief Pam Mizuno.

On February 3, 2022, Mr. Di Tommaso had a call with Rob Stewart, DM of Public Safety Canada. He does not recall who set up the call. At this point, a large convoy had arrived in Ottawa the weekend prior and participants had not left after the weekend. The purpose of the call was to discuss what could be done with respect to these protests. According to Mr. Di Tommaso's notes, Mr. Stewart expressed that "political are very exposed". Mr. Di Tommaso understood Mr. Stewart to be referring to Mr. Stewart's view that federal politicians were politically vulnerable. Mr. Stewart also noted that there was a "stalemate" as the occupiers had become entrenched and no significant steps were being put forward to remove them. Mr. Stewart further noted that there was no identifiable leader to this protest movement. Mr. Di Tommaso and Mr. Stewart had a general discussion on how to create incentives for protesters to leave Ottawa.²

On February 3, 2022, Mr. Di Tommaso also had a call with Toronto Police Service (**TPS**) Chief James Ramer. At this time, it was anticipated that convoys would soon be headed to Toronto. There was a significant concern that they would attempt to shut down Toronto as they had Ottawa. Mr. Di Tommaso asked Chief Ramer about his plan and whether he needed additional resources. Chief Ramer indicated that he was unable to obtain additional Public Order Units (**POUs**) from other municipal police services in Ontario. The OPP was unable to send resources to Toronto for February 5, 2022 but Mr. Di Tommaso understands they received resources from Peel Regional Police Service. At the time, when Mr. Di Tommaso was speaking with Chief Ramer, he was told that TPS was actively working on finalizing its plan. Chief Ramer advised Mr. Di Tommaso that Ottawa did not yet have any formalized plan. This was the first he heard about this, although this was subsequently confirmed to him by many other sources.

In Mr. Di Tommaso's view, the response to protests in Toronto was different to the response in Ottawa because 1) the convoy was much smaller; 2) vehicles headed to Toronto were primarily pick-up trucks and smaller motor vehicles with only a few heavy trucks; and 3) Toronto did not allow trucks to get a foothold in the downtown core. TPS created a hard perimeter to prevent their entry around Queen's Park and on University Avenue. TPS did not require significant additional resources to accomplish this, although Mr. Di Tommaso understands some officers were on loan from Peel Regional Police Service.

² ONT00005153.



Later on February 3, 2022, Mr. Di Tommaso had a call with Commissioner Carrique. Commissioner Carrique told him that chiefs of police were very concerned about Chief Sloly's leadership and that Chief Sloly had yet to pull together a comprehensive plan to bring an end to the occupation in Ottawa. Commissioner Carrique also reported to Mr. Di Tommaso for the first time that there could be a convoy headed for the Ambassador Bridge in Windsor.

Mr. Di Tommaso explained that he understands that OPP resources could have been made available to OPS much earlier if it had put a comprehensive plan into place. Such a plan would normally identify how many officers are required, how long they are required for, and their duties. Had such a plan been in place from the outset, Mr. Di Tommaso believes that both the OPP and RCMP would have been willing to deploy their resources. He explained his understanding was that the OPP and RCMP could not afford for their officers to be deployed and "sitting around".

Mr. Di Tommaso said that in subsequent days further concerns about Chief Sloly's leadership were communicated to him. Mr. Di Tommaso cannot comment on the accuracy of those comments as he had little direct personal contact with Chief Sloly.

On February 6, 2022, Mr. Di Tommaso participated in a call with officials from the City of Ottawa and the federal Government.³ At the end of this call, he recalls that National Security Advisor, Jody Thomas, attempted to suggest that Ontario should be dealing with the occupation in Ottawa instead of the federal government. Mr. Di Tommaso's response was that as protesters were protesting a federal vaccine mandate on Parliament's doorstep, his view was that the federal Government had a significant role to play in achieving a resolution. He noted that while Wellington Street is within OPS' jurisdiction, his understanding is that there exists a Memorandum of Understanding between the City of Ottawa and the federal Government with respect to policing city streets adjacent to the parliamentary precinct. Moreover, it was open to the federal Government consider a number of possible policy or operational responses to the protests: they could meet with protesters, modify federal vaccine mandates or provide necessary resources for a police response. In Mr. Di Tommaso's opinion, the federal Government had a role to play in the resolution because the protest was happening within the National Capital Region.

During the same call on February 6th, Steve Kanellakos, City Manager of Ottawa noted that Mayor Watson would be declaring a local emergency with the expressed intent of pressuring Premier Ford to exercise his powers to resolve the occupation. Mr. Di Tommaso did not discuss these comments with Premier Ford. To the best of his knowledge, the City of Ottawa did not make a formal request for Premier Ford to declare a provincial state of emergency (unlike a request made for additional police resources, discussed below).

³ ONT00003842.



Mr. Di Tommaso recalls that, on February 6, 2022, Minister Jones issued a statement claiming that police had sent more than 1500 officers to Ottawa. This is an accurate number of the OPP officers deployed to Ottawa since the beginning of the protests. The statement was not intended to reflect the number of officers deployed daily, as that fluctuated from day to day. There was a deployment of over 1500 officers over a ten-day period. Mr. Di Tommaso can confirm that from January 25, 2022 to February 7, 2022, 1,704 officers were deployed to Ottawa.⁴

On February 7, 2022, Minister Jones received a request for 1800 additional police officers from Mayor Watson and OPS Board Chair Diane Deans.⁵ While SOLGEN is not responsible for making decisions on operational issues of police deployment, Mr. Di Tommaso commented in his notes that he was told that Chief Sloly's intent was to ask for twice the number of officers he actually required. A response to Ottawa's request was provided on February 10, 2022.⁶ In this response, Minister Jones indicated that she referred the request to the Commissioner of the OPP, as it was up to the OPP to decide how to assign its resources. Mr. Di Tommaso explained that the Commissioner has the authority to give any temporary or emergency assistance as he considers necessary when requested by a municipal chief of police, as provided by the *Police Services Act*.

During a call with Mr. Di Tommaso on February 8, 2022, Commissioner Carrique mentioned that the RCMP was under enormous pressure. Mr. Di Tommaso confirmed that he understood the Commissioner to be referring to pressure that was political in nature.

Later that day, Mr. Di Tommaso had a call with federal officials and officials from the City of Ottawa. In welcoming participants to this call, Mr. Stewart reminded participants to the call that they were to maintain the confidentiality of what was discussed. Mr. Di Tommaso had raised this with Mr. Stewart as the day prior Chief Sloly had made comments to the media directly quoting statements Mr. Di Tommaso had made during an earlier call. Mr. Di Tommaso recalls that Chief Sloly responded to Mr. Stewart's introductory comments by saying that he (Chief Sloly) could not avoid the camera, that he had been the target of two death threats, that there was a smear campaign against him and, more broadly, that he was facing efforts to undermine his reputation.

On February 9, 2022, WPS made a request for 100 additional officers.⁷ To the best of Mr. Di Tommaso's knowledge, no formal response was provided.

⁴ [ONT00005345](#).

⁵ [ONT00002343](#).

⁶ [ONT00000851](#).

⁷ [WIN00001648](#).



Mr. Di Tommaso had a call with Commissioner Carrique on February 10, 2022. He recalls Commissioner Carrique communicating to him that the OPP's focus had shifted from Ottawa to the Ambassador Bridge in Windsor. The priority had become the Ambassador Bridge. This was Commissioner Carrique's decision and Mr. Di Tommaso agreed with it. Mr. Di Tommaso understands from his call with Commissioner Carrique that WPS had already obtained the additional support of more than 100 officers as per its request the previous day.

Mr. Di Tommaso explained that his understanding was that the occupation in Ottawa was limited to the "red zone" with the main impact on Wellington Street. This was a significant inconvenience but Mr. Di Tommaso's understanding was that it did not present an overriding public safety risk. In Windsor, the blockade of the Ambassador Bridge had a significant and substantial impact on economic security. It resulted in plants shutting down and lost jobs, and it raised concerns from American trade partners. Law enforcement had finite resources and could not effectively address situations in both Ottawa and Windsor at the same time. Mr. Di Tommaso was also aware of the risk of additional protest activity emerging in other areas of the province.

Mr. Di Tommaso noted that at the time, his understanding was that the OPS still did not have a formalized plan. His understanding is that the OPS' plan received sign off a day or two before February 18, 2022. He believes this was after Chief Sloly resigned and after the blockade in Windsor had been brought to an end.

On February 10, 2022, Mr. Di Tommaso was also briefed on a call between Premier Ford and Prime Minister Trudeau the day prior, for which he was not present. He understands, based on his notes, that the key messages from that call were about collaboration and the cost and impact on Canada that the Windsor blockade was having. He has no information on whether this call had any impact on Premier Ford's decision to declare a provincial state of emergency.

Later on February 10, 2022, Commissioner Carrique briefed provincial officials. As part of that briefing, he shared his assessment that Chief Sloly's request for 1800 additional officers was an overrepresentation of the officers actually required in Ottawa. He also explained that protesters were using Chief Sloly's public request for resources to thin out police lines. Protesters knew that if they started protests outside of Ottawa it would draw police resources there, making law enforcement unable to mount a significant response in Ottawa.

On February 11, 2022, Commissioner Carrique briefed Mr. Di Tommaso on the situation in Windsor. By that time, Commissioner Carrique had deployed significant additional policing resources to respond to the blockade at the Ambassador Bridge, including between 150 to 200 members of Public Order Units from the OPP, RCMP and London Police Services. Mr. Di Tommaso explained that this was consistent with the focus of policing priorities on the situation in Windsor. To his understanding, in the initial stages of the occupation in Ottawa, the absence of an operational plan by the OPS was a barrier to deployment of additional resources. Then, when the Ambassador Bridge blockade



occurred, it became the priority. It is Mr. Di Tommaso's opinion that had the Ambassador Bridge blockade not occurred, the situation in Ottawa would have been resolved more quickly.

On February 13, 2022, Commissioner Carrique briefed Mr. Di Tommaso on the City of Ottawa's agreement with protest organizers. Mr. Di Tommaso's recollection is that he learned from Mr. Stewart that Dean French, former Chief of Staff to Premier Ford, was representing the protesters. Mr. Di Tommaso has no other information on Dean French's involvement and had no interactions with Mr. French.

Later on February 13, 2022, Mr. Di Tommaso had a call with Mr. Stewart. During this call, Mr. Stewart told him that the invocation of the federal *Emergencies Act* was being considered by the federal Government but that there was some reluctance to do so as penalties under provincial emergency orders were more significant than what the federal Government could put in place under the *Emergencies Act*. Mr. Di Tommaso does not recall anything else about this part of the conversation.

Mr. Di Tommaso was of the view that Ontario helped bring an end to the protests by imposing a jeopardy of significant fines pursuant to Ontario's declaration of emergency and ensuing emergency order. Mr. Di Tommaso does not recall any consideration at the time that Ontario might seek increased fines for existing infractions. Mr. Di Tommaso also noted that, on February 11, 2022, Minister Jones communicated to Commissioner Carrique that she would be willing to meet with protest leadership in Windsor on the condition that they agree to bring the protest to an end.⁸

Mr. Di Tommaso is aware that tripartite ministerial calls took place with the Mayor of the City of Ottawa and federal Ministers on February 7th, 8th and 10th, 2022. Minister Jones declined to participate in at least two of the three calls. Minister Jones did not discuss this decision with Mr. Di Tommaso and he cannot speak to this.

Ontario's Emergency Declaration

Premier Ford expressed his intent to declare an emergency on or about February 10, 2022. The Premier declared a provincial emergency on February 11, and on February 12 the declaration of emergency was confirmed by Cabinet and an emergency order was also made by Cabinet providing additional powers to the police, other provincial offences officers and the Registrar of Motor Vehicles. Mr. Di Tommaso received directions from Cabinet Office and Premier's Office as to the content of the emergency declaration and order and SOLGEN was responsible for working with the Office of Legislative Counsel, as well as the Ministry of Transportation and others, to draft the emergency declaration and order consistent with these directions. He cannot speak to Premier Ford's motivations for declaring an emergency, but notes that the emergency

⁸ ONT00000858.



declaration was confirmed by Cabinet and that Cabinet also approved the emergency order.

Mr. Di Tommaso confirms that the emergency order was intended to bring an end to the situations in both Ottawa and Windsor.

Mr. Di Tommaso's personal opinion is that the federal use of the *Emergencies Act* was helpful, but not necessary. Ontario had shown its ability to deal with the blockade at the Ambassador Bridge through the provincial declaration and emergency order, as well as other existing legal tools such as an injunction. In fact, there were a number of other blockades/attempted blockades or protests in Ontario. These included an attempted blockade at the Blue Water Bridge in Sarnia and attempted blockades or protests in Fort Erie, and Cornwall. These were addressed by deploying police personnel and leveraging provincial and federal resources as necessary. The emergency orders under the *Emergencies Act* were nonetheless used by and useful to the policing sector once available.

Requests for Assistance and Policing Jurisdiction

Mr. Di Tommaso explained that the *Police Services Act* sets out how municipal police services are to make requests for assistance pursuant to section 9, which applies when the chief of police is of the opinion that an emergency exists in the municipality. The municipal chief of police may request the OPP Commissioner to give assistance and is required to notify the chair of their police services board of the request as soon as possible. A request for assistance does not amount to a surrender of policing jurisdiction; the municipal chief of police remains in charge of police operations in their area of jurisdiction by default. A municipal police force could request that the OPP lead a particular operation in making its request for assistance, which did not occur in the present case.

The RCMP can become involved upon request of the police force of jurisdiction. The OPS made such a request in this case. The Ottawa Police Services Board appointed a large number of RCMP officers as special constables. This empowered them to enforce provincial laws such as the *Highway Traffic Act*. RCMP officers can be appointed as special constables under section 53 of the *Police Services Act* by the OPP Commissioner, in the case of the OPP, or the local police services board, in the case of a municipal police service. SOLGEN's only role is to approve the appointments. SOLGEN approved the appointment of a total 650 RCMP officers. This was done in approximately 19 "batches" from around February 5 to February 25, 2022.

Mr. Di Tommaso understands that, in the present case, Chief Sloly also made requests for assistance from other municipal police forces. This is within the discretion of local police chiefs.

SOLGEN can provide a role in assisting to facilitate additional non-policing resources as they may be needed. In this case, Mr. Di Tommaso says he took a proactive approach.



For example, after a discussion with Commissioner Carrique, Mr. Di Tommaso asked Teepu Khawja, Chief of Emergency Management at SOLGEN to inquire into the availability of heavy tow trucks. Mr. Khawja contacted his emergency management counterparts in New York and Michigan but did not receive a positive response.

On February 17, 2022, Commissioner Carrique wrote to towing companies to advise them that he was requiring them to make towing resources available to the OPP pursuant to section 7(1) of the federal *Emergency Measures Regulations* P.C. 2022-107.⁹ Mr. Di Tommaso confirms that he first had to approve the budget for this request (i.e., to pay the towing companies for their services). His understanding is that although the request was made pursuant to federal authority, as it was made by the OPP, it would be coming out of the provincial budget to make sure that the towing companies were paid for their services in a timely manner (although he acknowledged the possibility that there might be discussion later on as to who was ultimately responsible for those expenses).

⁹ ONT00000167.